

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

**ST. PAUL FIRE AND MARINE  
INSURANCE COMPANY, as subrogee  
of/and the LOUISIANA RURAL  
PARISH INSURANCE  
COOPERATIVE**

**\* CIVIL ACTION NO. 11-0816**

**VERSUS**

**\* JUDGE DONALD E. WALTER**

**CATERPILLAR, INC.**

**\* MAG. JUDGE KAREN L. HAYES**

**MEMORANDUM ORDER**

Before the court is a motion to compel discovery responses [doc. # 9] filed by defendant Caterpillar, Inc. (“Caterpillar”).<sup>1</sup>

On July 6, 2011, Caterpillar propounded certain interrogatories and requests for production to plaintiffs. *See* M/Compel, Exh. A. Despite repeated assurances from plaintiffs’ counsel that he would respond to the discovery, he has yet to do so. With the scheduling deadlines rapidly approaching, Caterpillar protectively filed the instant motion to compel on September 26, 2011. On October 19, 2011, plaintiffs responded to the motion by stating that they intended to answer the outstanding discovery by October 31, 2011. *See* Pl. Response Memo. Accordingly,

IT IS ORDERED that the motion to compel discovery responses [doc. # 9] filed by

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<sup>1</sup> As this is not one of the motions excepted in 28 U.S.C. § 636(b)(1)(A), nor dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this ruling is issued under the authority thereof, and in accordance with the standing order of this court. Any appeal must be made to the district judge in accordance with Rule 72(a) and L.R. 74.1(W).

defendant Caterpillar, Inc. is hereby **GRANTED**.

IT IS FURTHER ORDERED that, within fourteen (14) days of the date of this order, plaintiffs shall fully and completely respond to defendant's Interrogatories and Requests for Production as set forth in Exhibit A to the motion to compel.<sup>2</sup>

THUS DONE AND SIGNED in chambers, at Monroe, Louisiana, this 1<sup>st</sup> day of November, 2011.



A handwritten signature in black ink, appearing to read 'Karen L. Hayes', is written over a horizontal line.

KAREN L. HAYES  
U. S. MAGISTRATE JUDGE

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<sup>2</sup> By failing to timely respond to the discovery, and in the absence of good cause shown, plaintiffs have waived their right to object to the discovery requests. *See* Fed.R.Civ.P. 33(b); *In Re U.S.*, 864 F.2d 1153, 1156 (5<sup>th</sup> Cir. 1989).